



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,431	06/29/2001	Richard Qian	42390P11146	8957

7590 01/08/2007
 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
 Seventh Floor
 12400 Wilshire Boulevard
 Los Angeles, CA 90025-1026

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
----------	--------------

2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/895,431	Applicant(s) QIAN, RICHARD	
	Examiner Susan Y. Chen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 106-121 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 106-121 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 19, 2006 has been entered.

Claims 106-121 are pending for examination; claims 106 and 110-111 have been amended.

Claim Rejections - 35 USC § 112

Claims 106-121, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 106 and 111, applicant fails to define the metes and bounds of the claimed subject matter "a plurality of user preference templates that each have a different format recognized by a different type of electronic entertainment device", hence, it renders the claims as indefinite.

As to claim 107-110 and 112-121, these claims have the same defects as their base claims, therefore, are rejected for the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 106-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr et al. (U.S. Patent No. 6,386,451) in view of Sezan et al. (U.S. Patent No. 6,236,395).

As to claims 106, 111 and 120, Sehr discloses an apparatus comprising:
a portable medium such as a smart card with embedded microprocessor and a storage medium [e.g., the multi-application passenger (or smart) card 11 at col. 6, lines 19-41, Fig. 3 and associated texts];
user preference information for media consumption stored in the storage medium [e.g., the downloaded points of interest stored into a passenger card at col. 39, lines 51-53], wherein the user preference information includes at least a television preference and a web browsing preference [e.g., the use of global communication link or Internet allows the associated components of a card station (Fig. 1) to interact with each other

and thus support the multimedia platform audio, graphics and video, etc data exchange without any restrictions at col. 6, lines 42 – col. 7, line 26 & col. 29, lines 44-48].

a template database stored in the storage medium that including a plurality of user preference templates that each correspond to a different type of electronic entertainment device, wherein each of the plurality of user preference templates is to identify user specific interest for media consumption on one of the different types of electronic entertainment device [e.g., the distributed database of Internet system [e.g. Fig. 1 and associated texts] such as distributed databases (10, 20, 30, Fig. 1) including template files at col. 5, lines 15-26, the card template database at col. 17, lines 7-45, col. 29, lines 44-58, col. 39, lines 51-53].

Sehr did not specifically discloses the plurality of user preference templates that each have a different format recognized by a different type of electronic entertainment device, the plurality of user preference templates includes a first user preference template that is compatible with a television and a second user preference template that is compatible with a computer having a web browser.

However, Sezan et al. (hereinafter referred as Sezan) discloses an audiovisual entertainment data management system [e.g., the unit 16, Fig. 1] with the claimed features, comprising:

the plurality of user preference templates that each have a different format recognized by a different type of electronic entertainment device [e.g., col. 3, lines 16-

Art Unit: 2161

37, col. 13, line 65- col. 14, line 40, Fig(s). 1-2, 4-12 and associated texts], the plurality of user preference templates includes a first user preference template that is compatible with a television and a second user preference template that is compatible with a computer having a web browser [e.g., col. 12, line 1 – col. 13, line 60].

Sehr and Sezan are in the same field of endeavor to optimize the portable device such as smart card processing, therefore, with the teachings of Sehr and Sezan in front of him/her, it would have been obvious for an ordinary skilled person in the art at the time the invention was made to apply the well known technique as disclosed by Sezan into Sehr portable device processing system, because by doing so as suggested by Sezan, the combined will be upgraded to use a combination of the user preference description schemes to enhance its ability to search, filter and browse audiovisual information in a personalized and effective manner for different devices with different templates that each have different format recognized by a different type of electronic entertainment device [e.g., Sezan: col. 3, lines 16-37, col. 45, lines 25 – 61].

As to claims 107 and 113, except the features disclosed on claims 106 and 111, the combined system of Sehr and Sezan further discloses a template to store manually entered user preferences for a device [e.g., Sezan: the unit: 48, Fig. 1 and associated texts] and a different template to store user preference determined from usage history for the device [e.g., Sezan: the unit: 52, Fig. 1 and associated texts].

As to claims 108 and 114, except the features disclosed on claims 106 and 111, the combined system of Sehr and Sezan further discloses the user preference information is prioritized based on whether it was manually entered or determined through usage history [e.g., Sezan: col. 11, lines 54-67].

As to claims 109 and 115, except the features disclosed on claims 106 and 111, the combined system of Sehr and Sezan further discloses the user preference data is stored in an extensible markup language format [e.g., Sezan: the web pages information format, col. 5, lines 22-32].

As to claims 110 and 112, except the features disclosed on claims 106 and 111, the combined system further discloses the system having the microprocessor or logical circuit to dynamically update the user preference information based on user activity [e.g., Sezan: col. 5, lines 66 – col. 6, line 12].

As to claims 116-117, except the features disclosed on claim 111, the combined system further discloses the instruction stored on the machine-readable medium database that if executed cause the logic circuit to generate a template, wherein the template database is stored on the machine-readable medium [e.g., Sehr: col. 17, lines 7-45].

As to claim 118, except the features disclosed on claim 111, the combined system further discloses that the template database comprises an identification template and history template [e.g., Sehr: col. 18, lines 65 – col. 19, line 5].

As to claim 119, except the features disclosed on claim 111, the combined system further discloses that the template database comprises a user history template [e.g., Sehr: the Status Window, Fig. 3].

As to claim 121, except the features disclosed on claim 111, the combined system further discloses the machine-readable medium having flash memory [e.g., Sehr: the memory of claim 2, col. 45].

Response to Arguments

Applicant's arguments filed on Oct. 19, 2006 have been fully considered but they are not persuasive.

the examiner first notices that applicant fails to define the metes and bounds of the claimed subject matter: "user preference templates that each have a different format recognized by a different type of electronic entertainment device", thus, they are open for art interpretation.

In addition, as cited in the above paragraphs, Sehr specifically discloses user preference templates to identify user preference for media consumption on different

Art Unit: 2161

types of electronic devices regardless of the type of devices. For example, please refer to the distributed database including template files at col. 5, lines 15-26, the card template database at col. 17, lines 7-36, col. 29, lines 44-58 and col. 39, lines 51-53 as cited by Sehr, therefore, in contrary to applicant arguments, Sehr, clearly teaches the claimed templates databases.

Moreover, Sezan further clearly discloses an archived database that includes a plurality of user preference templates that each have a different format recognized by a different type of electronic entertainment device [e.g., col. 3, lines 16-37; col. 13, lines 65- col. 14, line 40, Fig(s). 1-2, 4-12 and associated texts], the plurality of user preference templates includes a first user preference template that is compatible with a television and a second user preference template that is compatible with a computer having a web browser [e.g., col. 12, line 1 – col. 13, line 60].

Therefore, one of ordinary skill in the art at the time the invention was made would in fact, contrary to applicant's arguments, look to incorporate the preference template database technique as taught by Sezan in Sehr's system to enhance its ability to search, filter and browse audiovisual information in a personalized and effective manner for different devices with different templates, as such, the examiner contends that there would be most definitely a reasonable expectation of success.

Base on the discussion above, the examiner clearly fulfills a prima facie case of obviousness set forth in MPEP Section 706.02(j).

Conclusion

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen
Examiner
Art Unit 2161

January 4, 2007

A handwritten signature in cursive script that reads "Susan Chen".